

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**JACQUELINE ANDINO RUIZ,**

Plaintiff,

**-vs-**

**Case No. 15-C-0043**

**CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,**

Defendant.

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**DECISION AND ORDER**

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Plaintiff Jacqueline Andino Ruiz (“Ruiz”) seeks leave to proceed *in forma pauperis* (“IFP”) (ECF No. 2) on her appeal from the denial of her application for social security supplemental security income. In order to authorize a litigant to proceed IFP, the Court must make two determinations: first, whether the litigant is unable to pay the costs of commencing this action; and second, whether the action is frivolous or malicious. 28 U.S.C. §§ 1915(a) and (e)(2)(B)(i). The Court must deny a request to proceed IFP if (1) the allegation of poverty is untrue; (2) the action is frivolous; (3) the action fails to state a claim; or (4) the action seeks monetary relief against an immune defendant. 28 U.S.C. § 1915(e)(2).

By her petition and affidavit to proceed IFP, Ruiz avers that she is married, her spouse is not employed, and they have no persons whom they are legally responsible for supporting. Monthly, Ruiz receives \$608 in public

assistance and her spouse receives \$863 in disability compensation. Their son also contributes \$219 each month. Ruiz owns a 2002 Volkswagen Jetta worth \$1,800. Ruiz has \$1,000 in a checking or savings account.

Ruiz's monthly expenses exceed her monthly total income by about \$189. She states that they are a family of three, there is not enough money to pay their expenses, and no one in the family is working at this time.

Based on the information provided, Ruiz has satisfied the requirements of 28 U.S.C. § 1915(a) by demonstrating that she is unable to pay the \$350 filing fee for this action. Furthermore, Ruiz's Complaint states arguable claims for relief. Accordingly, Ruiz's petition for leave to proceed IFP is granted.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS  
HEREBY ORDERED THAT:**

Ruiz's petition for leave to proceed IFP (ECF No. 2) is **GRANTED**.

Dated at Milwaukee, Wisconsin, this 21st day of January, 2015.

**BY THE COURT:**

  
**HON. RUDOLPH T. RANDA**  
**U.S. District Judge**